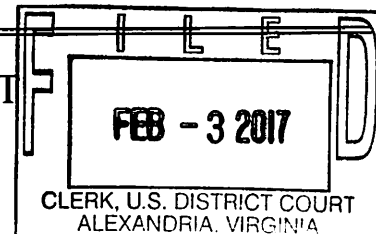


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)the silver Honda Civic bearing Virginia license plates
VDD-4275 and Vehicle Identification Number
JHMES96653S005282

Case No. 1:17SW40

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
the silver Honda Civic bearing Virginia license plates VDD-4275 and Vehicle Identification Number JHMES96653S005282

located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment A.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 USC § 1951(a)

conspiracy to obstruct, delay and affect commerce by robbery

The application is based on these facts:

See attached affidavit of Beau Bourgeois, Special Agent, Federal Bureau of Investigation

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA/SAUSA:

Rebeca H. Bellows

Applicant's signature

Beau Bourgeois, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/03/2017City and state: Alexandria, Virginia

/s/

Ivan D. Davis
United States Magistrate Judge

ATTACHMENT A

Items to be Seized

Evidence, fruits, and instrumentalities of the offense of conspiracy to obstruct, delay, and affect commerce by robbery, including the following:

Masks

Scarves

Jackets

Gloves

sweatshirts with hoods

shoes

boots

firearms

items that resemble firearms

ammunition

mobile phones

electronic devices

stolen license plates

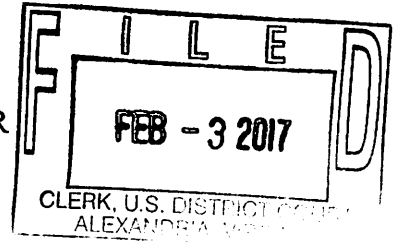
hotel receipts

documents reflecting identifying information of user of vehicle

photographs of Gabriel Hermon or James Harry Wingfield, III

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



IN THE MATTER OF A SEARCH)
OF THE SILVER HONDA CIVIC) Case No. 1:17SW40
BEARING VIRGINIA LICENSE)
PLATES VDD-4275 AND VEHICLE)
IDENTIFICATION NUMBER)
JHMES96653S005282)

Affidavit in Support of Application for Search Warrant

I, Beau Bourgeois, being duly sworn, state the following:

1. I have been employed as a Special Agent with the Federal Bureau of Investigation since 2003, and have been assigned to the Washington Field Office Violent Crimes Task Force since 2008. During my career, I have participated in numerous investigations of violent crimes, including armed bank robberies, armed commercial robberies, carjackings, and kidnappings. I have previously been the affiant in search warrant applications and criminal complaints that have resulted in the location and arrest of subjects and the recovery of evidence.

2. During my employment as an FBI Special Agent, I have been assigned to investigate violations of federal law, including robberies of banks, credit unions, and commercial establishments. I have training and experience in the area of robbery investigations, cellular telephone analysis, interview and interrogation, and evidence recovery. I am currently assigned to the Washington Field Office, Northern Virginia Violent Crimes Task Force.

3. This affidavit is submitted in support of a warrant to search the silver Honda Civic bearing Virginia license plates VDD-4275 and Vehicle Identification Number (VIN) JHMES96653S005282, which vehicle is located in Fairfax County, Virginia, within the Eastern

District of Virginia. The warrant seeks to obtain further evidence that subjects described herein conspired to obstruct, delay and affect commerce by robbery, in violation of 18 U.S.C. § 1951(a).

4. The factual information supplied in this affidavit is based upon my investigation and information provided to me orally and in written form by other law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the United States.

5. The Federal Bureau of Investigation and local law enforcement agencies have been investigating a series of robberies of commercial establishments between January 19, 2017, and February 2, 2017, all of which occurred in the Eastern District of Virginia. A Caucasian or Hispanic man has been present at seven of the robberies, and he has had an accomplice in at least five of the seven robberies. During the robberies, one of the subjects has brandished what appeared to be a large silver-colored firearm. Investigators believe that all of these robberies are connected for various reasons, including the physical description of the armed robbers, the description of the firearm used, the *modus operandi*, and the clothing and shoes worn by the robbers. In addition, in several of the robberies, the suspects have fled the scene in a silver Honda Civic. Based on evidence that will be described below, investigators believe that GABRIEL HERMON and JAMES HARRY WINGFIELD, III, are the men who have been involved in all seven robberies.

Factual Basis Supporting Probable Cause

6. On January 19, 2017, Fairfax County police officers responded to a report of an armed robbery at the Cash for Gold store located at 7262-B Columbia Pike, Annandale, Virginia, within the Eastern District of Virginia. Upon arriving, the store clerk reported that a man came into the store, brandished a firearm, and demanded the money in the register. The store clerk reported that the gunman wore a brown jacket with the hood up over his head and a scarf covering his mouth and nose. The store clerk complied with the gunman's demands and provided the gunman \$2,000 in twenty dollar bills. Although the store clerk described the gunman as a black male, the gunman appeared to be a Caucasian or Hispanic man from surveillance footage of the robbery. The surveillance video also revealed that the robber was brandishing what appeared to be a silver-colored handgun.

7. Law enforcement officers also viewed video surveillance footage from an adjacent business that showed a silver Honda Civic bearing Virginia license plate VSR-2702 entering the parking lot prior to the robbery. Immediately following the arrival of the vehicle, a Caucasian male wearing the same clothing as the robbery suspect was observed walking in front of the adjacent business. Immediately following the robbery, the same silver Honda Civic was observed leaving the parking lot. There was no other vehicular traffic in the parking lot around the time of the robbery.

8. A query of a law enforcement database revealed that Virginia license plates VSR-2702 had been reported stolen in Fairfax County on January 15, 2017. Law enforcement officers queried available databases for information related to Virginia license plate VSR-2702 and learned that the stolen license plate had been photographed by a private License Plate Reader (LPR) in the parking lot of the Motel 6 located at 401 Warrenton Road, Fredericksburg, Virginia,

on the morning of January 16, 2017. Law enforcement officers obtained a list from the Motel 6 of customers who rented rooms at the motel on the night of January 15, 2017. Law enforcement officers identified one of the customers as GABRIEL HERMON, a Hispanic male with a criminal history. Law enforcement officers obtained a known photograph of GABRIEL HERMON and observed that his physical features appear similar to the features of the gunman that were visible on the surveillance video of the January 19, 2017 Cash for Gold robbery.

9. On January 21, 2017, at approximately 6:28 p.m., police officers with the Manassas Police Department responded to a reported attempted robbery at the Cash for Gold store located at 9013 Centreville Road, Manassas, Virginia. The store clerk reported to the police that a man came into the store and brandished a firearm but did not take anything. The surveillance video captured a man entering the store and immediately pulling what appeared to be a firearm from his pocket. The man was wearing a ski mask, gloves and a hooded sweatshirt. The store clerk immediately ran to a back room and closed the door. The gunman then jumped onto a counter and looked around. After a few seconds, the gunman jumped off the counter and ran out the front door of the store.

10. About half an hour after the attempted robbery at the Cash for Gold store in Manassas, Virginia, Fairfax County Police Department received a report of an armed robbery at the EZ Stop and Go store located at 7600 Lee Highway, Falls Church, Virginia. According to employees of the EZ Stop and Go store, two light-skinned men wearing masks entered the store demanding cash. The employees reported that one of the masked men brandished a silver-colored firearm while the other robber took approximately \$2,000 from the cash register. Surveillance footage corroborated the account provided by the witnesses.

11. On January 24, 2017, at approximately 10:29 p.m., officers with the Fairfax County Police Department responded to a report of an armed robbery at the Super Mini Mart located at 8792 Sacramento Drive, in Alexandria, Virginia. Two employees of the Super Mini Mart reported that they had been robbed at gunpoint by two men dressed in dark clothing and wearing masks. According to the employees, both men were armed with handguns and took cash from the register and coins from a box under the register. The employees also reported that the two robbers fled the scene in a light-colored sedan.

12. The surveillance video of the January 24, 2017 robbery of the Super Mini Mart shows two men entering the establishment wearing hooded sweatshirts with the hoods on their heads and articles of clothing covering their noses and mouths. One of the robbers, who was wearing a gray sweatshirt and a black ski mask, brandished what appeared to be a large silver-colored revolver. That robber appears to be Caucasian or Hispanic.

13. On January 27, 2017, deputies with the Stafford County Sheriff's Office responded to a report of an armed robbery at the Ricky's Chicken restaurant located at 3619 Jefferson Davis Highway, in Stafford, Virginia. Employees of the restaurant reported that two men, one black and the other white or Hispanic, entered the restaurant wearing masks and hooded sweatshirts that covered their heads. The black subject brandished what one witness described as a large caliber "nickel plated revolver" and both subjects demanded money. When an employee was unable to open the register, the white or Hispanic subject took money from the tip jar. The two subjects then fled the area.

14. On January 30, 2017, officers with the Loudoun County Sheriff's Office responded to a report of an armed robbery at the Prime Mart store located at 45665 West Church Road in Sterling, Virginia. The store clerk reported that two men ran into the store and one

yelled “give us the money” while displaying a firearm. She complied with his demands by opening the register and turning away as one of the two subjects removed money from the register. Officers were able to secure surveillance footage of the robbery. The surveillance video showed that one of the robbers brandished what appeared to be a silver, large frame revolver similar to the one brandished during the January 24, 2017 robbery of the Super Mini Mart. The gunman was also wearing a gray hooded sweatshirt with the hood over his head.

15. On January 30, 2017, Stafford County officers responded to a report of an armed robbery at the Latin Market store located at 367 Warrenton Road in Fredericksburg, Virginia. At the scene, a store clerk reported that two men entered the store demanding cash. Although both men were wearing articles of clothing that covered their faces, the clerk advised that one man was black and the other was white. According to the store clerk, the black man was armed with a silver or chrome revolver and he pointed the firearm at the clerk while the white subject removed approximately \$1,000 in cash from the register. A surveillance camera from a nearby business captured two men who fit the physical description of the robbers enter a silver Honda Civic and speed away from the scene.

16. On the evening of January 31, 2017, law enforcement officers located a Honda Civic bearing the stolen license plates VSR-2702 (the license plates seen on the Honda Civic parked near the Cash for Gold store around the time of the January 19, 2017 robbery). Officers spoke with the Honda Civic’s owners, who reported that those license plates did not belong on their vehicle and that, unbeknownst to them, their vehicle’s license plates, which were VDD-4275, had been taken and replaced by the license plates VSR-2702. Based on this information, investigators believe that the individuals who are committing a series of armed robberies in the

Northern Virginia area are using a silver Honda Civic as their getaway vehicle and are using various stolen license plates to avoid apprehension.

17. Law enforcement officers queried available databases for information related to Virginia license plate VDD-4275 and learned that the stolen license plate had been photographed on January 25, 2017, by a private License Plate Reader (LPR) in the parking lot of the Baymont Inn and Suites located at 7379 Comfort Inn Drive, Warrenton, Virginia 20187. Records maintained by the Baymont Inn reflect that GABRIEL HERMON checked in on the night of January 25, 2017, and identified his vehicle as a Honda Civic. The records further reflect that HERMON provided (540) 400-3960 as his telephone number. (In addition, according to a law enforcement database that maintains information provided by pawn shops, on January 6, 2017, an individual who identified himself as GABRIEL HERMON sold items to a pawn shop and provided (540) 400-3960 as his telephone number).

18. Investigation has revealed that the phone assigned the number (540) 400-3960 is a mobile phone serviced by Sprint Spectrum LP.

19. On February 2, 2017, at approximately 3:30 a.m., Fairfax County Police Department received a report of an armed robbery at the McDonald's restaurant located at 8111 Leesburg Pike, Vienna, Virginia. Witnesses at the scene reported that a Caucasian man wearing a dark-colored mask and a dark hooded sweatshirt robbed the restaurant at gunpoint. Witnesses described the firearm as a large frame silver revolver. Witnesses also reported that the gunman was wearing glasses. The surveillance video confirms the witnesses' accounts. GABRIEL HERMON was observed wearing glasses on surveillance video from the Baymont Hotel.

20. All the business establishments described above were engaged in commercial activity and the robbery of each establishment affected interstate commerce.

21. On February 2, 2017, the Honorable Ivan D. Davis, United States Magistrate Judge, entered an order requiring Sprint Spectrum LP to disclose to the United States Attorney's Office and to the Federal Bureau of Investigation ("FBI") stored wire and electronic transactional records, including subscriber information, call-detail records, historical cell-site information or data, the identification and address of cellular towers (cell site locations), and per call measurement data (if available), related to the use of a cellular telephone assigned the number (540) 400-3960 for the period from January 18, 2017, to January 31, 2017.

22. On the afternoon of February 2, 2017, Sprint Spectrum LP disclosed stored wire and electronic transactional records in accordance with the Court's Order. The subscriber records reflect that the phone number (540) 400-3960 is subscribed to GABRIEL HERMON. Those records further reflect that the phone assigned the number (540) 400-3960 activated cell-site towers near each of the following robbery locations around the time the commercial establishment was robbed:

- the Cash for Gold store located at 7262-B Columbia Pike, Annandale, Virginia;
- the EZ Stop and Go store located at 7600 Lee Highway, Falls Church, Virginia;
- the Super Mini Mart located at 8792 Sacramento Drive, Alexandria, Virginia;
- the Prime Mart store located at 45665 West Church Road, Sterling, Virginia; and
- the Latin Market store located at 367 Warrenton Road, Fredericksburg, Virginia.

Indeed, for each of these robberies, the cell site records reflect that the phone assigned that number (and subscribed to GABRIEL HERMON) activated a cell tower in close proximity to the victim commercial establishment within minutes of the robbery.

23. On February 2, 2017, Judge Davis issued an arrest warrant for GABRIEL HERMON. Also on that date, Judge Davis issued a search warrant and an order authorizing

Sprint Spectrum LP to provide prospective location-based electronic communications data for the phone assigned the number (540) 400-3960. Using the location-based data, law enforcement officers were able to arrest GABRIEL HERMON at approximately 10:30 p.m. Immediately prior to his arrest, HERMON was seated in the passenger seat of a silver Honda Civic bearing Virginia license plates VDD-4275 and Vehicle Identification Number (VIN) JHMES96653S005282. An individual later identified as JAMES HARRY WINGFIELD, III, was in the driver's seat of that vehicle and officers observed him drive the vehicle shortly before effectuating HERMON'S arrest. WINGFIELD, who matched the physical description of the second subject in several of the armed robberies described above, was also arrested.


24. Following the arrests of HERMON and WINGFIELD, an officer entered the silver Honda Civic to turn it off and secure it for transport. A silver-colored handgun matching the description of the weapon used in several of the robberies was in plain view on the floorboard of the passenger side of the vehicle. WINGFIELD also told arresting officers that there was a silver gun on the floorboard. The silver Honda Civic was transported to Fairfax County and housed in a secure storage facility.

25. After they were arrested, HERMON and WINGFIELD were advised of their *Miranda* rights. When HERMON initially indicated he might want a lawyer, questioning stopped. HERMON later initiated contact with law enforcement and expressed his willingness to speak with agents. HERMON then admitted to his and WINGFIELD's involvement in some of the robberies described above. HERMON stated that in some of the robberies, both he and WINGFIELD entered the commercial establishment to commit the robbery and that in other robberies, either he or WINGFIELD entered the commercial establishment for purposes of


robbing it while the other man waited in the car. HERMON said that the weapon they used to commit the robberies was a bb gun.

26. WINGFIELD waived his *Miranda* rights and agreed to speak with law enforcement officers. He also admitted to his and HERMON's participation in some of the robberies described above. He also stated that he and HERMON sometimes entered the establishment together to commit the robbery and other times only one of them would enter while the other remained in the vehicle. WINGFIELD further admitted that the weapon on the floorboard of the Honda Civic was the weapon he or HERMON brandished during the robberies they committed together. WINGFIELD also stated that the weapon was a bb gun.

27. Based on the foregoing, there is probable cause to believe that the silver Honda Civic bearing Virginia license plates VDD-4275 and Vehicle Identification Number (VIN) JHMES96653S005282 contains evidence, fruits, and instrumentalities, including a weapon and cellular phones, of HERMON and WINGFIELD's membership and participation in a conspiracy to obstruct, delay and affect commerce by robbery, in violation of 18 U.S.C. § 1951(a).


Beau Bourgeois
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me this 3rd day February, 2017.

 /s/ _____
Ivan D. Davis
United States Magistrate Judge